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OFFICE OF PETITIONS

In re Application of
Barnesberger et al.
Application No. 10/780,943
Filed: February 18, 2004
Attorney Docket No. 10020936-1

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: DECISION DISMISSING
: PETITION AS MOOT
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This is a decision on the petition under 37 CFR 1.10 filed on September 27, 2004, requesting that the above-identified application be accorded a filing date of February 18, 2004.

Petitioner alleges that the application was deposited in Express Mail service on February 18, 2004. In support, on September 27, 2004, petitioner supplied a copy of Express Mail receipt No. EV404893083US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file).

A review of the Office PALM records reveals that this application was previously accorded a filing date of February 18, 2004.

Therefore, the present petition is unnecessary and will be **dismissed as moot**.

The application is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of **February 18, 2004**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant
Petitions Attorney
Office of Petitions